



Abandoned Mine Lands Program

The [Idaho Abandoned Mine Reclamation Act \(Act\) \[Idaho Code 47-1703\]](#) was passed during the 1994 session in anticipation of federal mining law reform. This anticipated reform would have resulted in the states receiving money for abandoned mine reclamation from the federal government. The Act created a place for money to go, and it set certain guidelines for how the money would be spent. Federal Mining Law reform, however, never occurred, and Idaho's Abandoned Mine Reclamation Fund (Fund) remained empty.

In 1999 the State Legislature modified Idaho's laws on the Mine License Tax and the Act. As a result, one-third of the State's Mine License Tax is now diverted into the Fund. This statutory change was proposed and supported largely by the Idaho Mining Association. Idaho now has a permanent source of funding for reclaiming abandoned mines.

Responsibility for administering the Act is given to the State Board of Land Commissioners. The agency that carries out the Land Board's work is the Idaho Department of Lands.

In general, the Act allows the Land Board to do the following:

- Reclamation of abandoned surface, placer and underground mines, including milling and processing areas;
- Sealing of deep mine entries;
- Revegetation of affected land to prevent erosion and sedimentation;
- Prevention, abatement, treatment and control of water pollution created by abandoned mine drainage;
- Control of surface subsidence due to underground mines;
- Enter into contracts and make grants to conduct and promote research, surveys or training needed to carry out the provisions of the Act;
- Prioritize public health and safety over the restoration of land and water resources;
- Coordinate with other state and federal agencies;
- Reasonably compensate other agencies.

The Act is written such that it is a voluntary program for reclaiming abandoned mines. The definition of an abandoned mine in the Act is as follows: "A mine deserted by the operator, having no regular maintenance, and not covered by a valid mining claim." Money from the Fund may be spent on the reclamation of any eligible mining operation. An eligible mining operation is an abandoned mine on state or federal land, or an abandoned mine on private land when the owner of the land has requested, and the Land Board has granted, designation as an eligible mine.

As a result, the Act does NOT:

- Authorize trespassing without landowner consent
- Require compensation by Potentially Responsible Parties (PRPs)

In addition, the Land Board tries to address historic preservation concerns. If a site is older than fifty years, the Board will try to avoid impacts to the historical integrity of the site. If avoidance is not possible, then mitigation may be needed. The Board also tries to address endangered species concerns. This generally means bats. If work on a site will affect existing or potential bat habitat, then that work should allow continued use of the site by the bats. Bat friendly gates on mine openings is one such example.